

In the United States District Court  
for the Eastern District of Pennsylvania

John J. Lynch

**FILED**

No # 16 CV 5493

No # 17 CV 312

Evelyn Rivera

MAR 08 2017

No # 17 CV 408

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

Appellants Sur Reply to the Responses of  
the Several Appellees/Interested Parties  
of the Estate

To: The Honorable Judges of the Court:

John J. Lynch the Appellant in the above captioned  
matters relates the following;

1. That if the U. S. District Court for the Eastern District  
of Pennsylvania considers the appeal of the denial of the  
Petition to be an interlocutory appeal not ripe until the  
case in chief was appealed then in that context the  
court did not lose jurisdiction upon that issue  
with the filing of the appeal on the case in chief  
on January 10<sup>th</sup> 2017 pursuant to the Prison  
mail box Rule, and the:

Extraordinary, and attendant

Circumstances

2. The Appellant relates to the Court that Extraordinary and attendant circumstances were present as defined by Blacks Law Dictionary ① A fact that is situationally relevant to a particular event or occurrence, ② A highly unusual set of facts that are not commonly associated with a particular Thing or occurrence,
3. The Appellant claims that the following set of facts, and circumstances should be considered as such Extraordinary and attendant circumstances that
  - ⊖ A) Impeded, hindered, obstructed, and/or otherwise prevented the appellant from a timely receipt of the courts orders appealed,
  - ⊖ B) Impeded, hindered, obstructed, and/or otherwise prevented the appellant from filing appeals of the courts orders in a timely fashion through no fault of his own, and that the appellant acted with all due care, and diligence.
4. That on November 28<sup>th</sup> 2016 a disgruntled neighbor who is defendant in legal proceeding No's 160701409 with appellant here did call Phila Police radios and falsely state that appellant had been pointing a firearm at him from inside the appellants residence, threatening, and assaulting him with fire arm,

5. Appellant here was seized at his front door by SWAT team, without wallet funds, glasses, or shoes, and immediately transported to the Police administration building at 8<sup>th</sup> and Race sts, and held there for 48 hours incommunicado.
6. Police did a complete search of the residence and found no firearms. Rather than do the right thing and return appellant to his residence the left the appellant to be processed into the court, and prison systems, and thereafter held on an untenable Bail of \$500,000.00.
7. The appellant was kept incommunicado in quarantine for approx 5-7 days, then transferred into a closed custody unit at the Phila Prison system.
8. Appellant immediately requested indigent envelopes, and sent out a letter to United States Post office No<sup>t</sup> 19114 to forward mail to him.
9. Appellant also sent indigent mail letter to his mother in Palm Bay FL, where he arranged for cousin Richard Miles here in Phila to go check on residence, pick up, repackage, re mail it to appellant, which he did and also put in a forwarding order.

10. On January 5<sup>th</sup> 2017 Appellant received in the evening mail a large manilla envelope he had been waiting on for three weeks to receive his mail. The top portion of which was sent attached to the Nunc Pro tunc Petition, and Nunc Pro tunc notice of appeal to the United States Bankruptcy Court by placing them in the prison mailbox on Jan. 10<sup>th</sup> 2017 as per the prison mailbox rule. Attached hereto is the bottom original portion of that envelope with a date notation as to the VA pension check, the envelope the second VA pension check which came with manilla envelope with similar notation and an original CC copy of the grievance form for January 5<sup>th</sup> 2017 to get funds posted so appellant could buy paper, pens, envelopes, and postage. He had none, and had to beg, and borrow paper, and pen, and use indigent mail, and prison mailbox for notices of appeals, and could borrow no more.

11. In light of the evidence presented to the United States Bankruptcy Court attached to the petition, and Nunc Pro tunc Notice of appeal which support the facts, and circumstances set forth in this pleading of the appellant, and those attached hereto showing that indeed appellant did act with all due care, and diligence, and was not neglectful.



12. In light of the evidence provided supporting the statement of the facts pleaded by the appellant as to Extraordinary and attendant circumstances that were beyond the control of the appellant who acted with all proper care, and due diligence it is clear those circumstances did impede the appellants timely receipt of the United States Bankruptcy Court orders, and his ability to act upon them in a timely fashion through no fault of his own, and the appropriate deadline under the circumstances is and or should be adjusted to 14 days from January 5<sup>th</sup> 2017 which is the 19<sup>th</sup> of January 2017,

Wherefore the appellant Respectfully request that this Honorable Court in business avenue, and or otherwise deny the motions to dismiss the appeals in the matters, and bind the matters properly appealed under the circumstances

Respectfully  
Submitted

John J Lynch

Additional Exhibit E  
the Bottom Portion of the "Manilla  
Envelope" Submitted previously  
to U.S. Bky Court

J.D.L.

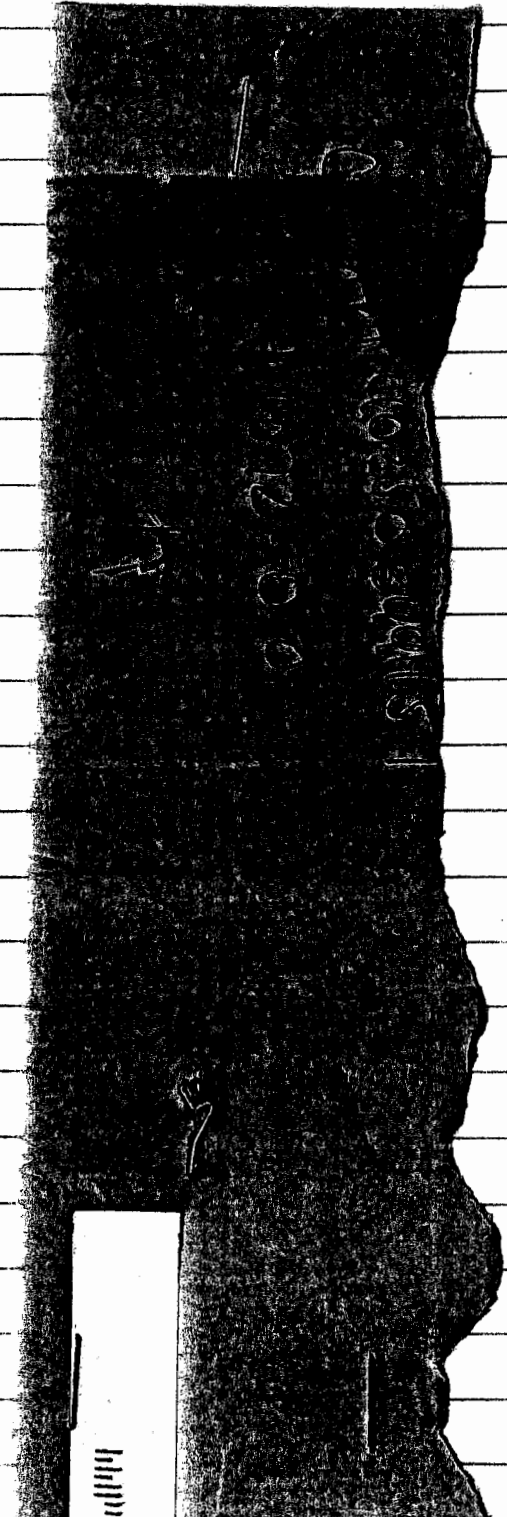


Exhibit F

The envelope that carried the appellants  
January check with forwarding  
label on it. Both were held  
till the grievance was addressed.

U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
P.O. BOX 51320  
PHILADELPHIA, PENNSYLVANIA 19115-6320  
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300

Deliver  
30th  
Day of the Month

Forgery of endorsements on Treasury checks  
is a Federal crime. Maximum penalty is a  
\$10,000 fine and ten years imprisonment.



**IF RECIPIENT DECEASED**  
Check here and drop in mailbox.

FIRST CLASS PRESORT  
POSTAGE AND FEES PAID  
DEPARTMENT OF  
THE TREASURY  
PERMIT NO. G-4

A24

1-4-17  
check #03242638  
\$1075.00

562-783

T 176 DFE 1260C16C0012/31/16

LYNCH JOHN  
7901 STATE RD  
PHILADELPHIA PA 19136-3407

FWD

BC: 19136340701

\*2419-07175-31-23

19136>3407



By the Grievance form original  
concerning the holding of funds  
back from appellant depriving him  
of stationery and postage



Attachment 3.F.10.a

## PHILADELPHIA DEPARTMENT OF PRISONS

## INMATE GRIEVANCE FORM

☐ ASD☒ CFCF☐ DC☐ HOC☐ PICC☐ RCF

NAME: John Lynch

HOUSING UNIT: A, 2-4-12

PID: 302783

INTAKE NUMBER:

Check box only if grievance is regarding Medical Services ☐Description of Grievance, Incident or Problem  
(Include date and time of incident)

My VA Pension checks  
are not money orders. They  
should not be listed as money  
orders! They are better than  
Money orders, and should be  
Posted expeditiously.

## Action Requested by Inmate:

Please correct and Post funds

See: Continuation of Grievance - Page 2 YES ☐ No ☐

Describe how and when you tried to resolve this Grievance informally.

Date that you are depositing this Grievance in a grievance box: \_\_\_\_\_

Signature of Grievant: 

Date: 1-5-17

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### Certificate of Service

I, John J. Lynch, hereby certify that I have served a true, and correct copy of the attached Sur Reply upon the persons listed below by 1st class mail on the 4<sup>th</sup> day of March 2017

John J. Lynch

① Evelyn Rivera  
10814 Madonna terr  
Phila PA 19154

② Gary F. Serty Esq  
c/o United States Trustee  
601 Walnut st Ste #950  
Phila PA 19106

③ Jennifer Schultzy Esq  
North Phila Law ctr,  
1410 W. Erie ave  
Phila PA 19140

④ Celene P. Derksenian  
123 South Broad st Ste #1400  
Phila PA 19107

⑤ Kevin G. McDonald  
Blank Rome LLP  
one Logan Square  
Phila PA 19130

⑥ Thomas J. Pulos Esq  
KML Law Group PC  
701 Market st Ste #3000  
Phila PA 19106



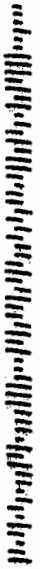
Philadelphia Department of Prisons  
Philadelphia, PA 19138

PPN 552753

John & August

U.S. District Court  
United States District Court  
601 Market St

Phila PA 19106



5100 521330161

